

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, MAY 6, 2004, 1:00 P.M.**

CALL TO ORDER

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Betty Willert, Chairperson
 Vy Janusonis
 Mareth Kipp
 Ellen Gennrich
 Walter Kolb
 Walter Baade

Commission

Members Absent: None.

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Sandy Scherer, Senior Planner
 Sherrie Villarreal, Clerk Typist III

Guests Present:

Steve Bruskiewicz
Matt Wade
Scott Bence
Kirsten M. Davies
Vernon Vice
Pat Haukohl
Yvette Livingston
Jeff Forslund
Brian Udovich
William Adams
John Ziebele
Robert Hamilton, Town of Genesee Building Inspector
John Sheppard

PUBLIC COMMENT

Chairperson Willert asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

MINUTES:

The April 8, 2004, Minutes were submitted.

- **SVZ-1523 (Heartland Development Group, Ltd.) City of Pewaukee, Section 12 (From the A-P Agricultural Land Preservation District to the R-3 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the proposed land use was for a 41-lot single-family residential subdivision.

Mr. Mace said the Southeastern Wisconsin Regional Planning Commission (SEWPC) informed the Waukesha County Planning and Zoning Division Staff that during the review of Wethersfield subdivision to the east, the local Land Use Plan was revised and called for preservation of the rivering and floodplain area rather than local ownership. The City reiterated they were not interested in acquiring any of the outlots on the subject property at the Public Hearing of March 18, 2004. Mr. Mace said the City wanted the area kept in open space, but will deal with it as private open space owned by the homeowners rather than City ownership. Mrs. Gennrich pointed out there were concerns from the neighbors of Wethersfield Subdivision with regards to the proposed smaller lot sizes. Mr. Mace noted there was concern by neighbors who thought there might be a shortcut to Capitol Drive. Mrs. Gennrich asked if there was a Plat in progress? Mr. Mace replied, "Yes." Mr. Janusonis asked why the proposed conditions of the rezoning in the "Draft Copy of the Staff Report and Recommendation" were removed? Mr. Mace replied they were not legislative-type matters that need to be in a rezone amendment, they are Ordinance requirements. The subdivider was present but did not speak other than to introduce himself.

After discussion, Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **ZT-1532 (J. B. J. Development) Town of Brookfield, Section 29 (From the RS-2 Single-Family Residential District to the RM-2 Multi-Family Residential and PUD Planned Unit Overlay Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the proposed land use was for forty-two condominiums in nine residential structures, ranging from two-family to six-family structures.

Mr. John Sheppard, architect for J.B.J. Development, introduced himself. Mrs. Kipp asked with regards to the retaining wall, would the wall be built into the slope, what materials will be used, and what was the height of the proposed wall? Mr. Sheppard replied, "At the foot of the slope the wall flattens out and there is an area of second-growth trees, which will preserve the part of the slope in its natural condition. The retaining wall towards the north accommodates the rise in the road and protects the slopes." He said the material used is a split-face interlocking wall. There was discussion with regards to the grading. Mr. Sheppard and the Commission reviewed the plans. Mrs. Kipp asked after the petitioner begins excavation, what would be the first thing completed? Mr. Bence replied the pond would be completed first, which will create a sediment trap, and a roadway will be constructed in conjunction with the wall. Mr. Mace stated the new project fully conforms with all the standards, requirements and conditions, which were imposed at the plan amendment phase and have been incorporated into the project through the amended May 6, 2004, Ordinance.

After discussion, Kolb moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-11 (The Windowbox) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for the retail operation of fine teas and gifts.

Mr. Mace pointed out the original plans included issues about the owner (Lisa Marks & Hans Weissgerber Jr.) of the multi-tenant building’s Parking Plan versus what he submitted, etc., and the entrance road, which is a violation of the rezoning conditions. He said he would not impose those issues on the leaseholders of the building and noted the matter would be handled as a separate action by the Planning and Zoning Division Staff. Ms. Livingston (petitioner) was present in the audience. She asked if there were additional items she needed to submit to the Planning and Zoning Division Staff. Chairperson Willert replied she must comply with the Town of Oconomowoc conditions and the conditions outlined in the “Staff Recommendation”.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of her land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-12 (Vernon Vice) Town of Genesee, Section 14**

Mr. Mace presented the “Staff Report and Recommendation” dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for a warehouse for storage of personal/rental vehicles. The use of the remainder of the storage facility is undetermined at this time. The Commission reviewed the Interior Floor Plan. Chairperson Willert asked why is there only a 25 ft. setback? Mr. Mace replied the Certified Survey Map required a 25 ft. standard offset around the property, which was established years ago. Mrs. Kipp asked why are four employees needed if this is a storage facility? Mr. Vice (owner) replied he is using only one-half of the building and the other half is not leased out. He felt an allowance of four employees was appropriate. Chairperson Willert pointed out to Mr. Vice that signage is not allowed. Robert Hamilton (the contractor) was present in the audience.

After discussion, Mrs. Gennrich moved, seconded by Vy Janusonis and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-11 (Brian Bautz) Town of Genesee, Section 14**

Mr. Mace presented the “Staff Report and Recommendation” dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for a storage facility for personal use (cars).

Mr. Hamilton (the contractor) stated Auto Integrity will lease the building for storage of vehicles and possibly in a year a spray-paint booth may be installed. There was discussion with regards to “permits for a chemical waste storage tank” referenced in Condition No. 7 of the “Staff Recommendation”. Mrs. Gennrich asked if a holding tank would be used for the chemicals of the spray-paint booth? Mr. Hamilton replied the spray-paint chemicals would drain into a chemical waste storage tank, which filters the air and sits outside. He said the chemicals are bottled up and put into special containers and

taken off site, which does not drain into the septic system. He claimed the Department of Natural Resources (DNR) would inspect the painting system on a regular basis and pumping records would document where the containers are delivered and by what carrier. There was discussion with regards to the mound system. Mr. Hamilton stated he received a Sanitary Permit and pointed out a mound system of approximately 28 ft. is needed, but his proposed plan allows 75 ft. Mr. Mace stated the Planning and Zoning Division would require revised plans illustrating the correct mound system. Chairperson Willert addressed the petitioner to make sure he understood that Auto Integrity would need to apply for a Site Plan/Plan of Operation if the leased area was utilized for something other than storage.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-14 (Waukesha Health Systems/Genesee Family Care, S.C.) Town of Genesee, Section 27**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for a nursing clinic, three additional employees and for weekend hours.

Mrs. Kipp asked how is the nursing clinic different from a doctor's office? Mr. Matt Wade, from Genesee Family Care, introduced himself and stated the facility was also a doctor's office. He pointed out Dr. Sanders's practice is in one-half of the building and the other half was previously unused. The nursing clinic has a contract with Generac, which provides health care for work-related injuries for its employees. Waukesha Health Systems owns the building and Dr. Sander's leases one-half of the building separately from the nursing center. The reception counter and waiting room are shared by Dr. Sanders and the nursing center. Mr. Mace asked what do the nurses do that the doctor can't do, and will there be PA's? Mr. Wade replied there is a registered nurse on site for minor injuries of Generac employees, but if a doctor is needed, the employee may see Dr. Sanders or their own personal doctor.

The Commission discussed Condition No. 2 of the "Staff Recommendation" which is regarding signage: *"A Zoning Permit shall be applied for, and the Zoning and Use Permits shall be issued from the Planning and Zoning Division for all of the signs on the property prior to the issuance of the Use Permit for the subject request. However, the Permits will only be issued when documentation of State Highway approval for the sign along S.T.H. 83 is submitted to the Planning and Zoning Division. To date our office has not received this information, which was previously requested, and therefore the property continues to be in violation of the Zoning Code regarding signage for which daily citations can be issued."* Mr. Wade stated there is an existing sign, and new sign faces were installed by the previous doctor (Dr. Cummings). He said Dr. Sanders received notice he was in violation of the Ordinance. Mr. Mace suggested a date be referenced in Condition No. 2 (June or July 1, 2004) which would satisfy the signage issue.

Mrs. Kipp questioned Condition No. 5 of the "Staff Report and Recommendation" where it states, *"The current number of employees requires a total of 12 parking spaces."* She stated 12 parking spaces for four or five employees is too many. Mr. Wade pointed out there was a total of five employees, three for Dr. Sanders and two for the Nursing Clinic, so at any given time there will be five employees. He stated on the Site Plan/Plan of Operation it states nine (9) employees.

After discussion, Mrs. Gennrich moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the "Staff Report and Recommendation" but subject to a change in Condition No. 2, whereby a Zoning Permit for signage must be applied for/issued by June 1, 2004. Also, in Condition No. 5 the Planning and Zoning Division Staff will determine how many parking spaces are required (12 parking spaces is not correct). The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **(Dr. Kirsten M. Davies) Town of Summit, Section 24**

Mr. Mace presented the "Staff Memorandum" dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for the construction of retaining walls closer than 5 ft. from the property line on the north and south sides of the home (currently under construction), located at 1551 N. Waterville Road.

Mr. Mace said, initially, the Planning and Zoning Division Staff recommended denial of the request, but after thorough review, the Staff is recommending approval of the wall to the north and that the south wall be tiered and broken into two separate walls with planter space between them. Referring to the Plat of Survey, he suggested the wall be stepped down in a two-tier section with one wall being 3 ft. (closest to the lot line) and the other being 4 ft. (closer to the house). He recommended landscaping at the top and middle tier.

Mr. Brian Udovich (owner/engineer) was present in the audience. There was discussion with regards to the retaining walls of the neighbors. Chairperson Willert asked, "If this house was proposed as it is, how come there were no retaining walls needed at the time the house was built?" Mr. Udovich replied he questioned his builder with regards to the grades and stated he needed to know this information to make a determination if retaining walls were necessary.

Mr. Udovich said he understands the safety issue of a 7 ft. wall and noted that the wall running east-west will encroach on the structure and he suggested a timber railing from the wall and the lot line, instead of tiering. Mr. Mace said he didn't agree and suggested to drop the wall down to 2 ft. instead of 3 ft. and come closer to the house. There was discussion with regards to the stairs. Mr. Udovich explained he was proposing stairs through the retaining wall, i.e., in walking from the driveway to the lake, you would use the stairs which are placed through the retaining walls. He said if you tier the retaining wall running east-west, as soon as you come down the stairs you would run into the second tiered wall. Mr. Kolb suggested moving the tier down. He said there are two sets of steps, so why couldn't you make the landing in between the tiers longer, which will be farther away from the point where you need the second tier? Mr. Udovich replied the reason for the western-most wall is because that is where the masonry stops.

Mr. Mace reiterated the Planning and Zoning Division Staff originally recommended denial of the request, but he couldn't see denying it outright and making the petitioner slope the rail back towards the house. He said, for safety reasons, he would not recommend the 7.57 ft. wall, which is why he is recommending tiering. Mr. Udovich asked if he tiered his walls could he consider a timber railing? Mr. Mace replied it was up to him, the home owner and the insurance agency, and felt that a "split rail" might be attractive. Chairperson Willert pointed out a Landscape Plan and revised Retaining Wall Plan must be submitted to the Planning and Zoning Division Staff.

After discussion, Mr. Baade moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCS-919 (Stonehaven Properties of Wisconsin, LLC) Town of Lisbon, Section 33**

Mr. Mace presented the “Staff Memorandum” dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval of a lot not abutting a private road. Jeffrey and Corey Forslund are proposing to divide a 38.3-acre parcel into four lots. Lot 2 (15 acres) and Lot 3 (three acres) would abut C.T.H. “K”. Lot 4 (four acres) would not abut a public road and Lot 1 would be accessed via a 33 ft. wide ingress and egress easement from C.T.H. “K”, which would run across Lot 2 along an existing gravel driveway. Lot 4 would be accessed via a 66 ft. wide ingress and egress easement/road reservation from C.T.H. “K”, which would be located immediately to the west side of Lots 3 and 4.

Mr. Jeff Forslund (the petitioner) introduced himself and his brother Corey. He said he created four lots, which include two lots in the northeast corner (Lots 3 and 4) and two 15-acre lots. He owns the lot in the middle towards Highway “K”, which includes the existing house. His brother, Corey, owns the lot across the back. Mr. Forslund stated his brother has an easement coming up his driveway and he wanted to clear up the legal language for the Commission. In the event his brother sells his lot, or further develops his lot, the east driveway against Lots 3 and 4 need to be developed into a full-blown road, subject to approval of the Town of Lisbon and Waukesha County to the current Code at that time, which would service Lot 1. Chairperson Willert asked if the driveway would also service Lots 3 and 4? Mr. Forslund replied the current existing driveway would service Lots 3 and 4 only, which would be a standard 33 ft. driveway. Chairperson Willert stated, “It can’t be 33 ft. for two lots.” Mr. Forslund replied he put a 66 ft. easement in, but the road will be 33 ft. Chairperson Willert asked if Lots 3 and 4 were for sale? Mr. Forslund replied they are currently for sale subject to approval. She asked when would the 66 ft. easement be developed and who would put it in for Lots 3 and 4? Mr. Forslund replied the 66 ft. easement would be recorded on the Certified Survey Map and they are currently putting the driveway in with a sub-grade to Town Road Standards, but will not pave the driveway. She asked why didn’t you pave it all the way to Lot 1? Mr. Forslund replied the cost is \$15,000 to \$20,000 to go to the next section. The Town of Lisbon was reluctant to approve it because if the easement extended all the way it would service three lots, and they wanted the easement to service two lots. Mrs. Kipp asked what the difference was between the two roads? Mr. Mace replied approximately 200 ft.

After discussion, Mr. Kolb moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCS-685B (Mike Walters) Town of Lisbon, Section 11**

Mr. Mace presented the “Staff Memorandum” dated May 6, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval of a lot not abutting a public road. The petitioner is dividing his 15-acre parcel into four lots. Lots 1 and 2 are flag lots having turnarounds and Lot 3 (1.5 acres) and Lot 4 would abut Plainview Road. Lot 2 only requires approval for the creation of a lot not abutting a public road.

There was discussion with the four driveways coming off of Plainview Road. Mr. Mace said he wasn't concerned about the driveways. Mr. Kolb asked if the driveway sloped downward? Mr. Mace replied the driveway slopes downhill from the east to the west, which is not a constant flow.

After discussion, Mr. Kolb moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Memorandum". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances

• **1688 (The Enclave of Delafield Subdivision) Town of Delafield, Section 11**

Mr. Mace presented the following documentation: "(1) Letter dated April 30, 2004 to Richard Mace from William Adams of AM Development; (2) Letter dated April 27, 2004 to William Adams from Richard Mace; and (3) Letter dated April 6, 2004, to Tim Barbeau from Richard Mace", which are made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting an appeal of the Planning and Zoning Division's decision for a 33 ft. private driveway easement for the Enclave of Delafield Subdivision.

Mr. Mace said in his letter dated April 6, 2004, to Tim Barbeau, he strongly recommended the Town and the Planning and Zoning Division require a 33 ft. private driveway easement to accommodate a private access to the open area on the Kranik lands, immediately south of the Enclave of Delafield Subdivision, in order to accommodate the placement of one residential dwelling unit. He said Mr. Adams (petitioner) has appealed the decision for the 33 ft. driveway easement. Mr. Adams introduced himself and pointed out he has accepted offers for all the lots from John Ziebele's Company (Hickory Hill Homes). Mrs. Gennrich asked Mr. Adams, now that you know where this easement is, do you still object? Mr. Adams replied, "Yes, the Town is very adamant they don't want homes constructed and don't want an easement." Mr. Mace read the Minutes from the April 20, 2004, Town Planning Commission meeting which denied the requirement of the 33 ft. easement. Chairperson Willert stated the Commission might consider Mr. Lindemann (property owner to the east) and Mr. Kranik (property owner to the south) each having a 16-1/2 ft. easement, which would total a 33 ft. easement. There was discussion with regards to the trees which may come down if an easement was placed on the Lindemann property. Mr. Adams suggested that the Planning and Zoning Division Staff review the trees on the property and table the matter for one month.

After discussion, Mrs. Kipp moved, seconded by Mr. Janusonis and carried unanimously, to table the matter to the June 3, 2004, Park and Planning Commission meeting, so the Town could review the recommended 33 ft. private driveway easement.

ADJOURNMENT

There being no further business to come before the Commission, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, to adjourn at 3:30 p.m.

Respectfully submitted,

Mareth Kipp
Secretary